

SENATE BILL NO. 472

INTRODUCED BY PERRY

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COUNTY COMMISSIONERS TO DESIGNATE PUBLIC PROJECTS AS COUNTY PROJECTS FOR PURPOSES OF COUNTY JAIL WORK PROGRAMS; ALLOWING 2 DAYS' CREDIT AGAINST INCARCERATION FOR EACH DAY'S PARTICIPATION IN A COUNTY JAIL WORK PROGRAM; AMENDING SECTION 7-32-2226, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-32-2226, MCA, is amended to read:

"7-32-2226. Operation of county jail work program. (1) If a county establishes a county jail work program, it must be authorized by the board of county commissioners and supervised by the county sheriff. The sheriff may permit persons eligible under the provisions of 7-32-2227 to work on county PUBLIC projects ~~or for county departments~~ as designated by the board of county commissioners. The UPON A REQUEST OF A FEDERAL OR STATE AGENCY, OR CITY GOVERNMENT, OR NONPROFIT CORPORATION AND UPON MUTUALLY AGREEABLE TERMS OR ON THEIR OWN ACTION FOR COUNTY PROJECTS, the board of county commissioners may designate public projects; ~~including state, county, and city projects, or projects for state, county, or city departments or nonprofit corporations as county~~ AS PUBLIC projects FOR PURPOSES OF THIS SECTION. A person participating in a county jail work program may not:

(a) have the person's labor or other work contracted out to a private party;

(b) be required to do labor or other work that furthers the private interests of a government employee or official;

(c) be permitted or required to do labor or other work that relates to anything other than public projects, public services, or other public matters;

(d) be used to displace any regular county GOVERNMENT employee;

(e) perform the duties of any vacant county GOVERNMENT position; or

(f) work on any construction or reconstruction project.

(2) A county may not reduce its current workforce in order to transfer the duties of a reduction to persons participating in a county jail work program.

(3) A person participating in a county work program may not be physically confined in the county jail during the course of the person's participation. The person may not be required to perform county work in excess of 8 hours each calendar day. Each calendar day in which a person has participated in a county jail work program is ~~1-day~~ 2 days of incarceration for the purposes of serving a sentence of imprisonment.

(4) The sheriff, in conjunction with the board of county commissioners, shall establish a written policy on how jail inmates may volunteer for participation in the county work program and what criteria the sheriff shall use to choose volunteers if there are more eligible persons volunteering than are needed in the program.

(5) In order to ensure public safety, the sheriff may deny a person permission to participate in the program and may revoke a person's permission to participate at any time.

(6) A person participating in a program is under official detention as that term is used in defining the crime of escape in 45-7-306. ~~Failure~~ AN UNEXCUSED FAILURE to appear for work at a time and place scheduled for participation in a program constitutes the offense of escape.

(7) Weed management, as defined in 7-22-2101, whether on public or private land, and other maintenance projects authorized by a board of county commissioners are county projects for purposes of 7-32-2225 through 7-32-2227."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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